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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/782,357  | 02/19/2004  | Norman Herron        | UC0409USNA          | 4173             |
| 23906   | 7590        | 05/19/2006           | EXAMINER            |                  |
| E I DU PONT DE NEMOURS AND COMPANY<br>LEGAL PATENT RECORDS CENTER<br>BARLEY MILL PLAZA 25/1128<br>4417 LANCASTER PIKE<br>WILMINGTON, DE 19805 |             |                      | THOMPSON, CAMIE S   |                  |
|   |             |                      | ART UNIT            | PAPER NUMBER     |
|   |             |                      | 1774                |                  |

DATE MAILED: 05/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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|                              |                                      |                                      |  |
|------------------------------|--------------------------------------|--------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/782,357 | <b>Applicant(s)</b><br>HERRON ET AL. |  |
|                              | <b>Examiner</b><br>Camie S. Thompson | <b>Art Unit</b><br>1774              |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-25 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 and 25 is/are rejected.
- 7) ☒ Claim(s) 24 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>6/25/04; 3/16/05</u> . | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 13 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 13 is not commensurate in scope with claim 9 from which it depends.

Claim 13 recites  $R^3$ . There is no  $R^3$  for formula (III) in claim 9.

### *Claim Rejections - 35 USC § 102*

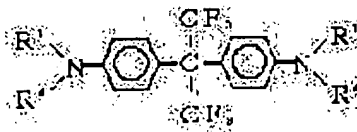
3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 9-10, 12 and 15-17 are rejected under 35 U.S.C. 102(b) as being anticipated by JP 05-112509.

The Japanese reference discloses tertiary amine compounds having a fluorocarbon group such as



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The Japanese reference reads on the instant claims when R<sup>1</sup> and R<sup>2</sup> of the reference is a substitutable aryl group (phenyl group with substituents) in the reference; R<sub>2</sub> is a substituent such as alkyl, fluoroalkyl, bromine, chlorine, iodine or arylamino and E is a fluoroalkyl group for the instant claims.

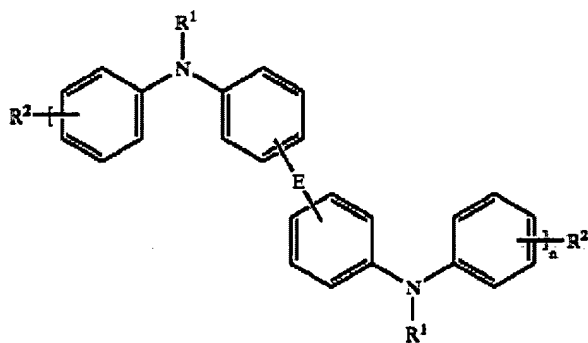
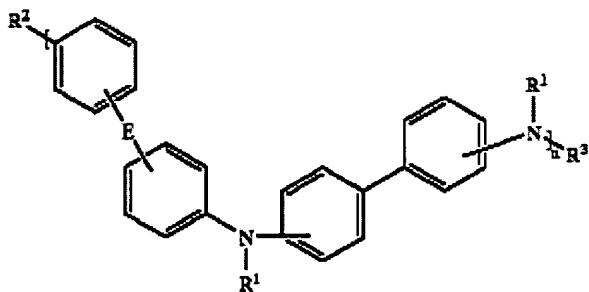
### ***Double Patenting***

5. A rejection based on double patenting of the "same invention" type finds its support in the language of 35 U.S.C. 101 which states that "whoever invents or discovers any new and useful process ... may obtain a patent therefor ..." (Emphasis added). Thus, the term "same invention," in this context, means an invention drawn to identical subject matter. See *Miller v. Eagle Mfg. Co.*, 151 U.S. 186 (1894); *In re Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957); and *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970).

A statutory type (35 U.S.C. 101) double patenting rejection can be overcome by canceling or amending the conflicting claims so they are no longer coextensive in scope. The filing of a terminal disclaimer cannot overcome a double patenting rejection based upon 35 U.S.C. 101.

6. Claims 1-23 and 25 are provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 1-7 and 9 of copending Application No. 11/093,455. This is a provisional double patenting rejection since the conflicting claims have not in fact been patented. Both applications recite a compound and composition that can be used in an electronic device having either formula (I) or formula (III)

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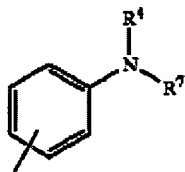


wherein  $n$  is an integer of at least 1;

$R^1$  is selected from aryl, heteroaryl, fluoroaryl, and fluoroheteroaryl;

$R^3$  is selected from H and  $R^1$ ;

$R^2$  is selected from H,  $R^1$ , alkyl, fluoroalkyl, Cl, Br, I and an arylamino group of Formula (II)



wherein  $R^4$  is selected from aryl, H,  $R^1$ , alkyl, and fluoroalkyl;

$R^7$  is selected from aryl, heteroaryl, fluoroaryl, and fluoroheteroaryl; and

$E$  is selected from O, S,  $(SiR^5R^6)_m$  wherein  $m$  is an integer of 1 to 20, and combinations thereof,

wherein  $R^5$  and  $R^6$  are independently selected from H, F, alkyl, aryl, alkoxy, aryloxy, fluoroalkyl,


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fluoroaryl, fluoroalkoxy, and fluoroaryloxy, and wherein R<sup>5</sup> and R<sup>6</sup> can be taken together to form a ring.

7. Claim 24 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The prior art does not provide for a process for providing two more of the recited compounds, further including reacting compounds in the presence of a copper, nickel or palladium catalyst while maintaining the compounds at a temperature of 22 to 150 deg C for 24 to 92 hours to form the first polymer and the treat the first polymer with an endcapping group to form a capped polymer and reacting capped polymer for 24 to 48 hours.

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Camie S. Thompson whose telephone number is (571) 272-1530. The examiner can normally be reached on Monday through Friday from 7:30 am to 4:00 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena L Dye, can be reached at (571) 272-3186. The fax phone number for the Group is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
RENA DYE  
SUPERVISORY PATENT EXAMINER  
A.U. 1774 sluboy